REMARKS

This is in full and timely response to the Office Action mailed on November 13, 2009.

Claims 18, 23-31, 33-42 and 44-45 are currently pending in this application, with claims 18, 23, 34 and 45 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

New non-final Office Action

If the allowance of the claims is not forthcoming at the very least and a new grounds of rejection is made at least against the claims, then a ***new non-final Office Action*** is respectfully requested at least for the reasons provided hereinbelow.

Prematureness

Applicant, seeking review of the *prematureness* of the final rejection within the Final Office action, respectfully requests reconsideration of the finality of the Office action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

<u>*Rejection under 35 U.S.C. §103*</u>

I.   Page 3 of the Office Action indicates a rejection of claims 18 and 23-45 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 6,009,236 (Mishima) in view of U.S. Patent No. 7,058,280 (Suzuki).

This rejection is traversed at least for the following reasons.

A. Claim 18

Claim 18 is drawn to a reproducing device adapted to play back video data recorded on an information recording medium, the reproducing device comprising:

> a controller adapted to set reproduction speeds of the video data, said reproduction speeds including a normal playback and a high-speed playback, said high-speed playback being at a higher speed than said normal playback;

> a drive adapted to read out said video data from the information recording medium, said video data including main track data being read out during said normal playback and low resolution data being read out during said high-speed playback; and

> a decoder adapted to generate an output image from said video data, said output image being viewable on a screen,

> wherein, during said normal playback, said screen displays a frame of said main track data,

> wherein, during said high-speed playback, said screen is divided into areas, said areas of said screen partially displaying different frames of said low resolution data, and

wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.

1. Mishima *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

Claim 18 is drawn to a device *wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.*

Here, the Office Action *readily admits* that Mishima *fails* to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

- *Thus, Mishima fails to disclose, teach, or suggest a reproduction device wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.*

2. Suzuki *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

Suzuki arguably discloses that at the time of search reproduction, the data is continuously read out from the magneto-optical disc 113 (Suzuki at column 7, lines 4-7).

Moreover, page 2 of the Office Action contends the following:

> First of all, with respect to claim 18, at least in column 6, lines 42-45, Suzuki
> discloses at a transition to normal playback an acceleration is calculated to perform
> deceleration accordingly by rearranging data to obtain the correct order of
> reproduced image data. Therefore, if going from a high-speed reproduction to normal
> reproduction, a calculation must be involved (because the task of ordering,
> rearranging, and determining how many frames should be outputted per a unit of
> time requires processing as described in the quoted passage of Suzuki) to achieve a
> deceleration to reproduction at normal speed.

In response to this contention, Suzuki arguably discloses the following at column 6, lines 39-50:

> The image data thus decoded by the decoding circuit 204 is stored in the memory
> 205. When the data is output from the memory 205, the order thereof is changed.

> That is, at the time of normal reproduction, the CPU 122 *__rearranges__*, in the order
> shown by reference numeral 301 in FIG. 3, *__the reproduced data decoded__* in the order
> indicated by reference numeral 302 in FIG. 3 and stored in the memory 205, and
> outputs the rearranged data. Thus, the order of reproduced image data is changed by
> using the memory 205 and, accordingly, the memory 205 is capable of storing
> several frames (ten frames in this embodiment) of decoded image data.

Here, Suzuki at column 6, lines 39-50 *__fails__* to show that the alleged "*rearrangement*"
and "*a calculation for the acceleration and deceleration*" are one in the same.

Moreover, Suzuki *__fails__* to disclose the details associated with the occurrence of a
transition from a high-speed playback to a normal playback.

- ***Thus, Suzuki <u>fails</u> to disclose, teach, or suggest a reproduction device wherein, at a transition from said high-speed playback to said normal playback, an acceleration in accordance with time required to read out and decode said main track data is calculated so as to perform deceleration at a deceleration corresponding to said calculated acceleration.***

B. Claims 23-31 and 33

Claims 24-31 and 33 are dependent upon claim 23. Claim 23 is drawn to a reproducing device adapted to play back video data recorded on an information recording medium, the reproducing device comprising:

a controller adapted to set a reproduction speed of the video data, said reproduction speed during a high-speed playback being higher than said reproduction speed during a normal playback;

a drive adapted to read out said video data from the information recording medium, said video data including main track data being read out during said normal playback and low resolution data being read out during said high-speed playback; and

a decoder adapted to generate an output image from said video data, said output image being viewable on a screen,

wherein said screen is divisible into a number of areas, said number during said high-speed playback being variable in accordance with said reproduction speed,

wherein, at a transition from said normal playback to said high-speed playback, an acceleration in accordance with time required to read out and decode said low

resolution data is calculated so as to perform acceleration at said calculated acceleration.

1. Mishima *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

Claim 23 is drawn to a device *wherein, at a transition from said normal playback to said high-speed playback, an acceleration in accordance with time required to read out and decode said low resolution data is calculated so as to perform acceleration at said calculated acceleration.*

Here, the Office Action *readily admits* that Mishima *fails* to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

- *Thus, Mishima* ___*fails*___ *to disclose, teach, or suggest a reproduction device wherein, at a transition from said high-speed playback to said normal playback,* ___an acceleration___ *in accordance with time required to read out and decode said main track data* ___is calculated___ *so as to* ___perform deceleration___ *at a deceleration corresponding to said* ___calculated acceleration.___

2. Suzuki *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

As shown hereinabove, Suzuki *fails* to show that the alleged *"rearrangement"* and *"a calculation for the acceleration and deceleration"* are one in the same.

Moreover, Suzuki *fails* to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

- ***Thus, Suzuki <u>fails</u> to disclose, teach, or suggest a device wherein, at a transition from said normal playback to said high-speed playback, an acceleration in accordance with time required to read out and decode said low resolution data is calculated so as to perform acceleration at said calculated acceleration.***

C. Claims 34-42 and 44

Claims 35-42 and 44 are dependent upon claim 33. Claim 34 is drawn a reproducing method for playing back video data recorded on an information recording medium, the method comprising the steps of:

setting a reproduction speed of the video data, said reproduction speed during a high-speed playback being higher than said reproduction speed during a normal playback;

reading out said video data from the information recording medium, said video data including main track data being read out during said normal playback and low resolution data being read out during said high-speed playback;

dividing a screen into a number of areas during said high-speed playback, said number being variable in accordance with said reproduction speed;

calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback; and

performing acceleration at said calculated acceleration,

wherein an output image from said video data is viewable on said screen.

1. Mishima *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

Claim 34 is drawn to a method that includes the step of *calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.*

Here, the Office Action ***readily admits*** that Mishima *fails* to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

- *Thus, Mishima fails to disclose, teach, or suggest a method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.*

2. Suzuki *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

As shown hereinabove, Suzuki *fails* to show that the alleged *"rearrangement"* and *"a calculation for the acceleration and deceleration"* are one in the same.

Moreover, Suzuki *fails* to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

- *Thus, Suzuki fails to disclose, teach, or suggest a method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.*

D. Claim 45

Claim 45 is drawn to a recording medium on which a program readable by a computer is recorded, the program being for playing back video data recorded on an information recording medium, the program comprising the steps of:

setting a reproduction speed of the video data, said reproduction speed during a high-speed playback being higher than said reproduction speed during a normal playback;

reading out said video data from the information recording medium, said video data including main track data being read out during said normal playback and low resolution data being read out during said high-speed playback;

dividing a screen into a number of areas during said high-speed playback, said number being variable in accordance with said reproduction speed;

calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback; and

performing acceleration at said calculated acceleration,

wherein an output image from said video data is viewable on said screen.

1. Mishima _fails_ to disclose, teach or suggest a calculation for the acceleration and deceleration.

Claim 45 is drawn to a method that includes the step of *calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.*

Mishima arguably discloses that *further, since the address of divided data is recorded as header information and the number of bytes that should be played back is instantly detected at the time of the playback, the jump of the optical head at the time of the special playback can be efficiently performed* (Mishima at column 16, line 64 to column 17, line 1).

However, the Office Action ***readily admits*** that Mishima ***fails*** to disclose a calculation for the acceleration and deceleration (Office Action at page 5).

- ***Thus, Mishima fails to disclose, teach, or suggest a method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.***

2. Suzuki *fails* to disclose, teach or suggest a calculation for the acceleration and deceleration.

As shown hereinabove, Suzuki ***fails*** to show that the alleged *"rearrangement"* and *"a calculation for the acceleration and deceleration"* are one in the same.

Moreover, Suzuki ***fails*** to disclose the details associated with the occurrence of a transition from a high-speed playback to a normal playback.

- ***Thus, Suzuki fails to disclose, teach, or suggest a method that includes the step of calculating an acceleration in accordance with time required to read out and decode said low resolution data, said acceleration being calculated at a transition from said normal playback to said high-speed playback.***

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: January 6, 2010   Respectfully submitted,

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